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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,222	11/27/2003	Khai Hee Kwan		7484

23336 7590 03/13/2008
KHAI HEE KWAN
PETI SURAT 1178
SANDAKAN, 90713
MALAYSIA

EXAMINER

MERCHANT, SHAHID R

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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03/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.


DETAILED ACTION

1. This action is in response to PRE-APPEAL BRIEF REQUEST FOR REVIEW filed on February 3, 2008.
2. Applicant's arguments filed February 3, 2008 have been fully considered but they are not persuasive. Applicant has not demonstrated how one of ordinary skill in the art would know who or what is sending and receiving various data.
3. Next, Wall discusses a booking fee in his article, Buy car online to beat British prices. Applicant argues that the booking fee is not calculated. A "calculated" booking fee is implicit, because the fee has to be based on some form of calculation.
4. Applicant argues that Wall fails to teach providing a linked network to vehicle manufacturer system. A link to a vehicle manufacturer system is implicit, because Broadspeed has to get pricing information and guidance from the vehicle manufacturer so they can set their pricing as it would relate to the pricing that is available through suggested retail pricing that is provided by the manufacturer.
5. Over the course of reviewing Applicant's application file, Examiner noticed a typing error on the Final Rejection dated November 9, 2007. Claims 1, 5-8, 12-15 and 20 should have been rejected under 35 USC § 102(b) instead of 35 USC § 103(a). The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

/Kambiz Abdi/
Supervisory Patent Examiner, Art Unit 3692

Application Number 	Application/Control No. 10/728,222 KAMBIZ ABDI	Applicant(s)/Patent under Reexamination KWAN, KHAI HEE Art Unit 3692	
Document Code - AP.PRE.DEC			

Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed _____.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 2-4, 9-11, and 16-18.

Claim(s) rejected: 1, 5-8, 12-15, and 20.

Claim(s) withdrawn from consideration: _____.

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) KAMBIZ ABDI.

(2) Vincent Millin.



(3) Shahid Merchant.

(4) _____.

